APPENDIX I

Notes on Piracy

While the main thrust of the current study was focused on assessing the economic benefits derived from the four incidents of major naval action, the possibility of economic benefits derived from anti-piracy originating from forward deployed naval forces was also examined.

Several masters theses at the Naval Postgraduate School have looked at one aspect or another of this issue. These theses are:

- M. Farley, "International and Regional Trends in Maritime Piracy, 1989-1993," December 1993.

- C. Cobb, "Combating Maritime Piracy," December 1994.

- M. Lumpin, "Microviolence at Sea, 1975-1995: A Data Analysis," December 1995.

- William Sutton, "Naval Special Warfare: A Long-Range View," pending 2000.

While each thesis focuses on a different facet of piracy, they all convey the notion that anti-piracy may not be an area the United States Navy wants to become involved with.

The logic is as follows. Pirates seem to avoid targeting US vessels because they know the US Navy will respond. Currently, piracy is not a problem in US territorial wasters. Attacks on US vessels overseas have only occurred in situations where the odds of success were heavily stacked in the pirate's favor. The regions with high incidents of piracy are those providing pirates with a quick escape route, allowing them to strike and then quickly melt back into the coastal population.

One major impediment to the Navy being involved in anti-piracy are the issues surrounding sovereignty. International law dictates that each nation is expected to police its own territorial waters.

Sovereignty aside, there is no doubt that the US navy could get involved in maritime anti-piracy. The Navy's capability has been demonstrated repeatedly during the drug war. It seems to be more a question of should the U.S. Navy get involved? At this time the consensus (Oxford Analytica, "Problematic Piracy," April 5, 2000) appears to be that the costs are significantly greater than any potential benefits to be derived from that activity.

The other aspect of this is that the Asian countries themselves are coming to the realization that they must increase their own anti-piracy efforts. In an interesting development, Asian nations for the first time since World War II are considering a Japanese security role in the Region. Japan has proposed a regional coast guard to combat piracy in the Strait of Malacca and Singapore, as well as in the South China Sea (Mark Valencia, "Joining Up with Japan to Patrol Asian Waters," International Herald Tribune, April 28, 2000).

In promoting the anti-piracy program, Japan wants to reassert its waning influence in the region as a counterbalance to China. Tokyo also sees the move as a way of delicately

distinguishing itself and its approach from that of the United States. As Valencia notes, the initiative can be viewed as part of a broader strategy developed at Japan's National Institute of Defense Studies. Such a strategy envisages a Japan-led international Ocean Peacekeeping Force, which would be primarily concerned with activities that are necessary to fulfill obligations under the 1982 UN Convention on the Law of the Sea to maintain maritime order and prevent armed conflict at sea.

Another solution (Indira Lakshmanan, "Trouble in South China Sea: Pirates Dodge Navy Gunboats to Steal, Kidnap and Melt Away," San Jose Mercury-News, September 10, 2000) has been the entrance of private security companies. Sensing a niche, security companies have cropped up in Britain, the United States, Hong Kong, and Australia, providing former soldiers to defend ships and to search for and perhaps recover, missing vessels. The services are controversial because of fears that having armed mercenaries abroad could escalate the violence.